

2019-00054

08-09-19
DB

ALLEGATION / INQUIRY / COMMENDATION – REPORT FORM

I. Information Source:

Name: Clark, Stacy Race: Sex f Age: Date of Birth
Address: 923 Ravenwood City: Canton Zip: 30115
Way

Home Phone: Business Phone:

II. Deputy/Civilian Employee Information:

Name: Wells, Michael Rank: Sgt I.D.#: 348
Division: UPFH Unit Number: D-3

Name: Rank: I.D.#:
Division: Unit Number:

III. Location of Incident:

E. 923 Ravenwood Way

Date: 08/04/19 Time: 11:23 Case Number: 19-87789

IV. Description of Incident: Allegation Inquiry Commendation

Mrs. Clark spoke with Sgt. Wells after her husband became enraged over a neighbor cutting trees, resulting in (what looks like) two 911 calls. Mrs. Clark stated to me that she wasn't home for the incident, but after she arrived, Sgt. Wells told her "I don't care" after she pointed out the neighbor apparently was employing an illegal alien for yard labor. When I inquired if he said that in reference to the call or in reference to the employee, she replied she did not know, but that she feels Sgt. Wells should not have said that, and his remark is "poor customer service".

V. Witness Information:

Name: Address: City:
Home Phone: Business Phone:

Name: Address: City:

Home Phone: _____

Business Phone: _____

VI. Person Taking Report:

Name: Clement, James

Rank: Sgt

Division: UPHF Shift: 3

Badge Number: 214

VII. Supervisor's Comments / Recommendations:

SEE ATTACHED

VIII. Allegation / Inquiry / Commendation Information:

How A / I / C Received: Telephone Written Form Personal Contact

A / I / C Referred to: Lt. Simmons

A / I / C Resolved on Initial Contact

Allegation / Inquiry Withdrawn

IX. Documentation Attached: Incident Report Written Statement Other

X. Division Commanders Review:

CAPTAIN [Signature] 08092019
(Signature) (Date)

- No further Action Required.
- Refer to _____ for further investigation.
- Recommend Formal Commendation.

Additional Comments:

-
- Sustained: The evidence is sufficient to prove the allegations.
 - Not Sustained: The evidence is insufficient to either prove or disprove the allegations. PS 08-09-19
 - Exonerated: The evidence shows that the incident occurred and was lawful or proper.
 - Unfounded: The evidence shows that the allegation is false or not factual.
 - Policy Failure: The evidence is sufficient to show that the incident occurred, but was a result of flawed policy or procedures.

XI. Service of Employee

I hereby certify that the allegations have been discussed and described to me. I have received a copy of the Employee Rights Form and acknowledge that I understand these rights.


Employee Signature

Witness Signature

Date
8/2/19

Date

XII. Notification of Findings

I understand that the investigating officer has the duty to inform me of the outcome of this investigation (sustained, not sustained, exonerated, unfounded, or policy failure) and I hereby certify and affirm that he / she has done so. I further understand that the investigating officer is merely a finder of fact and will not determine if adverse disciplinary action will be taken.


Employee Signature

Witness Signature

Date
8/7/19

Date

Distribution: Division Commander
 Internal Affairs

CHEROKEE SHERIFF'S OFFICE

MEMORANDUM

To: Lt. Simmons

From: Sgt. Wells

Date: August 4, 2019

Subject: Complaint from Stacy Clark

On August 4, 2019 Deputy Maness was dispatched to 923 Ravenwood Way in reference a dispute between two neighbors. Dispatch advised the callers (Stacy) husband was at home and was in a verbal argument with the neighbor (Carol Goff at 921 Ravenwood Way) over a tree being trimmed that was hanging over onto her property. Deputy Maness arrived first and had already spoken to the male party and was walking towards Carols house.

Since I was already in the neighborhood when Deputy Maness said I could go 10-8, I went to the residence anyway. I listened to Carol's conversation with Deputy Maness and from what I gathered she had permission from Stacy to trim a tree that was hanging her flowers killing them. This conversation occurred in person at her house, and when Stacy left she went down to the tree and started trimming it. Michael, Stacy's husband, did not like that and verbally accosted her to the point she got scared and called 911.

Deputy Maness explained of the two families could not agree on the tree then the best course of action would be to get the HOA involved. She said she would leave the tree alone, and then began to tell us about her neighbors volatile relationship. She said they are not only ugly to each other but to all the other people in the neighborhood. I began walking back to my car as Deputy Maness finished speaking with Carol. When he was done I asked him what Michael had to say, and Deputy Maness said Michael was hostile when he first got there. At this point I noticed Michael near his driveway with his hands on his hips and chest poked out. It was clear he was still mad.

We both went to our cars and as I drove off Michael stopped Deputy Maness. When he was done talking with Michael, Deputy Maness pulled up next to me. I asked him what Michael wanted, and he said Michael wanted to know what to do next. Deputy Maness said he told him nothing as Carol agreed to leave the tree alone for now. I drove off and got to the front of Carols house when a female (later known as Stacy) flagged me down.

Her demeanor and tone were elevated and she was clearly mad and upset as well. She said she was the one that called and wanted to know what was going on. I told her Carol said

she went back to trim a tree that was several feet into her yard at the back fence and her husband did not like that and began yelling and screaming at her. I told her we told Carol to leave the tree alone and to get the HOA involved since there is a dispute over the tree. Carol's demeanor became even more aggravated as she raised her voice and became animated with her hands. She said she told Carol she could trim the tree to the property line earlier, and then added she didn't know what Carol's problem was since she never goes back there anyway.

Given that short time I spent dealing with the two neighbors, it was clear there was no love lost between either of them. Stacy then pointed to the white landscaping truck parked in Carol's driveway (there was a Hispanic male in Carol's backyard doing landscaping when I pulled up). Carol then said "There's an illegal for you". I said ok, and she continued to point and look at me as if I was supposed to arrest the male or something. I told her I didn't care, responding to her insinuation the male she knows nothing about is illegal and I was supposed to do something about this. Before I could say anything else she yelled at me and told me I had a great attitude and then sped off.

She then found Deputy Maness down the street who was just finishing a phone call request and began yelling at him because I didn't arrest the male she thought was illegal. She told Deputy Maness she was a deputy in North Carolina and she would arrest illegal immigrants all the time. Sgt. Clement contacted her after she called dispatch and took the complaint on me.

CHEROKEE COUNTY SHERIFF'S OFFICE
MEMORANDUM

TO: Captain New
FROM: Lt. Simmons
DATE: 8/7/2019
SUBJECT: AIC on Sgt. Wells

1. On Sunday, August 4, 2019 Sgt. Clement took an AIC over the phone regarding Sgt. Michael Wells being rude and delivering "poor customer service". The complaint was called in by Stacy Clark of 923 Ravenwood Way, Canton Ga. 30115.
2. The complaint stemmed from a neighbor dispute call that Deputy Maness responded to. One neighbor was upset at another neighbor because of some tree trimming crossing property lines.
3. Deputy Maness responded and was on scene for a time before Sgt. Wells arrived as back up. Deputy Maness had mostly resolved the situation by the time Sgt. Wells arrived. Ms. Clark, who called 911, was not at the home. She had called 911 after her husband called her to tell her about the neighbor cutting the trees. Apparently Ms. Clark had a discussion with the neighbor prior to the trees being cut, but did not tell her husband.
4. Ms. Clark arrived as Maness was leaving and flagged down Sgt. Wells. According to Sgt. Wells, Ms. Clark was in an agitated state when he pulled up. She immediately began to ask what had happened since she was the 911 caller. Ms. Clark continued to tell Sgt. Wells about her conversation with the neighbor and the trees. During this Ms. Clark pointed to a Hispanic male at the neighbor's house and told Sgt. Wells "there's and illegal for you". When Sgt. Wells did not respond Ms. Clark became more upset and continued to point at the male. Sgt. Wells told her he did not care (if the male was illegal or not) which made her even more upset. Ms. Clark drove away and found Deputy Maness and apparently yelled at him because Wells did not arrest the "illegal". Some time later Ms. Clark called 911 and asked to speak to a supervisor to file a complaint, which is how Sgt. Clement got involved. See the AIC and Sgt. Wells' supplemental for further details.
5. I was forwarded the AIC by Sgt. Clement via email later on Sunday. I printed it on Monday and reviewed the AIC. I also reviewed Sgt. Wells' supplemental. I inquired about the patrol video and Sgt. Wells

said he had not turned it on at the home and the encounter with Ms. Clark happened so fast he neglected to turn it on.

6. I spoke to Ms. Clark on Monday at 0820. The call was audio recorded, transferred to a disc for later playback. When I spoke to Ms. Clark I could tell by the tone in her voice she was still upset. She was incredulous that Sgt. Wells had such a cavalier attitude. She went on to tell me that he said he didn't care when she pointed out a possible illegal alien being employed by her neighbor. She asked me if I had ever told someone I didn't care and I admitted I had, but in a different context. Ms. Clark then told me she had previously been in law enforcement in North Carolina for 15 years and said if she or anyone with her agency had acted in the way she believed Sgt. Wells acted, they may have been fired, demoted or transferred. (Refer to the audio CD for full details). She was not clear on whether Sgt. Wells didn't care what she had to say, the situation, or the "illegal" she pointed out. In either case she was not happy with his tone, attitude or his customer service.
7. I spoke to Sgt. Wells on Wednesday, August 7 and asked him about the incident. He said Ms. Clark was angry from the moment he stopped to talk to her. He admitted he could have handled the situation a little more tactfully, but he insists he said he did not care when referring to the alleged "illegal" and not the situation as a whole.
8. I checked with Investigator Garcia at OPS and asked if there had been any past complaints of a similar nature. Garcia told me there are a total of six prior allegations of a similar nature: four of them were exonerated, two were sustained (one in 2006 and one in 2010 for using profanity)
9. With no video to corroborate either side of the story I believe this AIC should be resolved as "not sustained" as there is no way to prove or disprove that Sgt. Wells acted inappropriately or in a rude manner.